

Final Agreed-to Deletions Based on Stakeholder Input

[Sections in red are deleted; sections in black remain in the rules]

009. CRIMINAL HISTORY AND BACKGROUND CHECKS.

1. Compliance With Department Criminal History and Background Checks. Residential Care or Assisted Living Facilities must comply with IDAPA 16.05.05, “Criminal History and Background Checks in Long Term Care Settings”. ()
2. Direct Patient Access Individuals. These rules apply to employees and contractors hired or contracted with after October 1, 2005, that have direct patient access to residents in Residential Care or Assisted Living Facilities. ()
3. ~~Fees for Criminal History and Background Checks. Fees for the criminal history and background checks are paid through the Federal Pilot Project grant as provided in Public Law 108-173, Section 307 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, from October 1, 2005 through September 30, 2007, or until federal funding is no longer available. ()~~
04. Availability to Work. Any direct patient access individual hired or contracted with on or after October 1, 2005, must complete a self-declaration form before having access to residents. If a designated crime listed in IDAPA 16.05.06, “Rules Governing Mandatory Criminal History Checks,” is disclosed, the individual cannot have access to any resident without a clearance by the Department. Once the notarized self-declaration is completed the individual can only work under supervision until the individual has been fingerprinted. The individual must have the fingerprinting completed within twenty (20) days of completion of the self-declaration. ()

Rationale: Statute being presented in legislature this year. Statute includes sunset clause not available when rules drafted. Statute will trump rule.

DEFINITIONS:

11.15 Licensee. The business and all owners with more than five percent (5%) of the assets. ()

Rationale: Conflicts with definition in statute—also inconsistent with guidance in other parts of the rule.

11.28. Non-Repudiation. The ability to ~~ensure~~assure that a party to a communication cannot deny the authenticity of his or her signature on a document or the sending of a message that he or she originated.~~()~~Q

Rationale: Not used anywhere else in the document.

055. SPECIAL WAIVER.

The Department may grant a special waiver of the requirement for licensure as a residential care or assisted living facility when it is deemed in the best interests of individuals, residents, and with due consideration of the criteria as specified in Section 39-3354A, Idaho Code. ()

Rationale: Covered in statute; no need to repeat in rule.

250. REQUIREMENTS FOR BUILDING CONSTRUCTION AND PHYSICAL STANDARDS.

13. Residents Required to Go Outside. Residents requiring the use of wheelchairs, walkers, or assistance with ambulation cannot be admitted to a facility that requires residents to go outside to go back and for the from the dining room and recreation areas.

Rationale: Restricts resident choice.

14. Covered Cement Walks. For facilities licensed after July 1, 1991, where residents are required to go outside to another building for dining and recreation, there must be covered paved walks from one (1) building to the other.

Rationale: Places undue restriction on provider. Other avenues open to meet the intent of the rule.

260. REQUIREMENTS FOR ENVIRONMENTAL SANITATION.

05. Linen and Laundry Facilities and Services.()

- a. The facility must have available at all times a quantity of linen essential to the proper care and comfort of residents; ()
- b. There must be at least two (2) complete changes of clean bed linen and two (2) sets of towels on hand for each licensed bed; ()**
- c. Linen must be of good quality, not thread-bare, torn or badly stained;()
- d. Linens must be handled, processed and stored in a appropriate manner that prevents contamination;()
- e. Adequate facilities must be provided for the proper and sanitary washing and drying of linen and other washable goods laundered in the facility; ()
- f. The laundry must be situated in an area separate and apart from where food is stored, prepared or served;
- g. The laundry must be well lighted and ventilated, adequate in size for the needs of the facility, maintained in a sanitary manner and kept in good repair; ()
- h. When the facility sends linen and personal laundry out for laundry services, care must be taken that soiled linen and clothing are properly handled before sending out. Clean linen and clothing received from a laundry service must be stored in a proper manner; and ()
- i. Residents' and personnel's personal laundry must be collected, transported, sorted, washed, and dried in a sanitary manner and cannot be washed with general linens (towels, sheets). ()

Rationale: Requirement in red deleted—it is too prescriptive. Licensure and survey will focus on outcomes under item a.

451. MENU PLANNING

01. Menu. The facility must have a menu planned or approved, signed and dated by a registered dietitian prior to being served to the resident. The planned menu must meet nutritional standards.

- a. Menus will provide a sufficient variety of foods in adequate amounts at each meal.
- b. Menus must be different for the same days each week and adjusted for seasonal changes.
- c. Food selections must include foods that are served in the community, in season, as well as residents' preferences, food habits, and physical abilities.
- d. The menus must be prepared in advance and available to residents on request.
- e. The facility must serve the planned menu and if substitutions are made the menu must be corrected.

Rationale: Overly prescriptive. If the residents of the facility enjoy “Tuesday night meatloaf” as a regular part of the menu; the facility should have the right to meet resident choice. If the residents are not happy with a recurring menu, they can work the issue through a resident’s council or discussions with the facility. The guidance at 451.01.a requires variety of foods.

705. RESIDENT BUSINESS RECORDS.

05. Personal Property Inventory. An inventory of all of the resident's personal items. ()

Rationale: Impossible to keep current inventory of all resident personal items (consumables; new purchases; Christmas presents, etc.)

730. FACILITY ADMINISTRATIVE RECORDS FOR PERSONNEL AND STAFFING.

- i. Documentation by the licensed professional nurse regarding assessment;

Rationale: Incomplete sentence; does not identify what the licensed professional nurse is supposed to assess.

220. REQUIREMENTS FOR ADMISSION AGREEMENTS.

~~01. Admission Agreements.~~ Prior to, or on the day of, admission, the facility and each resident or the resident's legal guardian or conservator will enter into a written admission

agreement that is understandable and translated into a language the resident or his representative understands. The agreement must be signed by all involved parties. The admission agreement may be integrated within the Negotiated Service Agreement, provided that all requirements for the Negotiated Service Agreement and admission agreement are met. Admission agreements must include all items described under Subsections 220.01 through 220.14 of these rules. ~~()~~

~~a~~01. Services Provided. Services the facility provides including: room, board, assistance with activities of daily living, supervision, assistance and monitoring of medications, laundering of linens owned by the facility, coordination of outside services, arrangement for routine, urgent, and emergency medical and dental services, emergency interventions, housekeeping services, maintenance, utilities, access to basic television in common areas, maintenance of self-help skills, recreational activities, and provisions for trips to social functions; ~~()~~

~~b~~02. Staffing. Staffing patterns and qualification of staff on duty during a normal day; ~~()~~

~~e~~03. Notification of Populations Served. The facility must notify potential residents of the types of populations it specializes in serving; ~~()~~

~~d~~04. Notification of Liability Insurance Coverage. The administrator of a residential care or assisted living facility must disclose in writing at the time of admission or before a resident's admission if the facility does not carry professional liability insurance. If the facility cancels the professional liability insurance all residents must be notified of the change in writing; ~~()~~

Rationale: Disconnect in rule; title says "Notification of Populations Served"—text says "types of populations it specializes in serving". Needs further clarification and context.